

Docket No.: 20811/0204768-US0
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ralf WIDERA ET AL.

Application No.: 10/507,228

Confirmation No.: 1768

Filed: March 7, 2005

Art Unit: 2154

For: METHOD FOR THE OUTPUT OF STATUS
DATA

Examiner: W. T. Lin

DECLARATION UNDER 37 C.F.R. § 1.131

MS. Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Frank Wedekind, hereby declare that:

1) I was responsible for patent application processing in the Deutsche Telekom patent department at all times relevant to the statements being made herein.

2) I was responsible for overseeing Deutsche Telekom's patent application proceedings, which includes having invention disclosures, which are prepared by inventors, sent to third parties for the preparation and filing of Deutsche Telekom's patent applications.

3) The present application is a U.S. National Stage Application under 35 U.S.C. §371 of PCT International Application No. PCT/DE2003/00539, filed February 21, 2003, which claims priority to German Patent Application No. DE 102 10 707.6, filed March 12, 2002 ("German Patent Application").

4) Prior to February 27, 2002, the inventors of the present application had conceived the invention as described and claimed in the subject application in this country, a NAFTA country, or a WTO member country, as evidenced by:

Exhibit A, which is an order letter directing the German law firm Puschmann & Borchert to prepare the German Patent Application describing the claimed invention;

Exhibit B, which is an invention disclosure cover sheet for the claimed invention; and

Exhibit C, which is an invention disclosure document describing the claimed invention.

Dates appearing in these exhibits have been redacted.

5) The invention disclosure papers attached hereto as Exhibits B and C are standard documents used in the ordinary course of business at Deutsche Telekom at the time for evaluating and processing inventions made by its employees.

6) Each element of claim 25, which is the only independent claim of the subject application, is disclosed in the invention disclosure ("Erfindungsmeldung Online-GUI"), attached in Exhibit C, at least as described below:

- "Status information including at least one of a status of a component of a measuring system, a status of a connection of the measuring system, and a measurement result of the measuring system" is disclosed in Section 3.1, pages 5-12, and in Figures 2-3 on page 6 of the invention disclosure. (Exhibit C)
- "Sending measurement packets with an adjustable distribution in time so as to determine first status information" is disclosed in Section 1, page 4, and in Figure 1 on page 4 of the invention disclosure. (Exhibit C)
- "Assigning first status information to a first status range of a plurality of fixed status ranges according to at least one first predetermined condition, the first status range being limited by at least one first threshold value" is disclosed in Sections 3.1.3,

3.2.1, and 3.2.2, on pages 11-15, and in Figures 8-10 on pages 13-14 of the invention disclosure (the German word "Bereich" meaning "range"). (Exhibit C)

- "Outputting the assigned first status range and automatically updating the first status information at a predetermined time interval" is disclosed in Sections 1 and 3.1.3, on pages 4 and 11, respectively, and in Figure 7, on page 11, of the invention disclosure. (Exhibit C)

7) Based on information, belief, and my own knowledge, the present invention was diligently acted upon from a time prior to February 27, 2002 until March 12, 2002, the filing date of the German Patent Application.

8) As evidence of the aforementioned, the invention disclosure cover sheet (Exhibit B) and invention disclosure (Exhibit C) were prepared and received by the Deutsche Telekom Patent department prior to February 27, 2002.

9) The invention disclosure cover sheet (Exhibit B) and invention disclosure (Exhibit C) were promptly and diligently sent to the Puschmann & Borchert firm for preparation of a patent application. The order letter is attached as Exhibit A.

10) Puschmann & Borchert diligently began preparing the patent application, and the German Patent Application then was promptly and diligently filed on March 12, 2002, evidencing constructive reduction to practice of the invention.

11) The PCT International Application No. PCT/DE2003/00539 was promptly and diligently filed on February 21, 2003, claiming priority to the German Patent Application.

12) The present application promptly and diligently entered the U.S. National Stage Application under 35 U.S.C. §371 of PCT International Application No. PCT/DE2003/00539 on March 7, 2005.

13) I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.



Frank Wedekind

November 29, 2007

Dated